

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2012 - 254*

12 **STACI LIN TORRES, a.k.a. STACI LIN**
13 **AVERY**

708 E. First Street
Madison, IN 47250

14 **Registered Nurse License No. 342131**

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about April 30, 1982, the Board of Registered Nursing issued Registered Nurse
23 License Number 342131, to Staci Lin Torres, also known as Staci Lin Avery (Respondent). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 in this Accusation and will expire on September 30, 2013, unless renewed.
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4

5
6
7
8

9
10
11
12

13
14
15
16

17

18

19
20

21

22

23
24
25

1 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
2 action.

3 ...

4 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
5 functions, and duties of a registered nurse, in which event the record of the conviction shall be
6 conclusive evidence thereof.”

7 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
8 revoke a license on the ground that the licensee has been convicted of a crime substantially
9 related to the qualifications, functions, or duties of the business or profession for which the
10 license was issued.

11 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
12 revoke a license on the ground that the licensee has been convicted of a crime substantially
13 related to the qualifications, functions, or duties of the business or profession for which the
14 license was issued.

15 10. California Code of Regulations, Title 16, section 1444, states:

16 “A conviction or act shall be considered to be substantially related to the qualifications,
17 functions or duties of a registered nurse if to a substantial degree it evidences the present or
18 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
19 safety, or welfare.”

20 11. California Health and Safety Code section 11364, subdivision (a), states:

21 “It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
22 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in
23 subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in
24 paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or
25 (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a
26 controlled substance which is a narcotic drug classified in Schedule III, IV, or V.”
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7

8
9
10
11
12
13

14
15
16
17
18

19
,
20

21
22
23
24
25
26
27
28

1 and enter into a recovery monitoring agreement; and (4) not violate any laws regulating the
2 practice of nursing. The Decision allowed Respondent to apply to withdraw the probation of her
3 license after completing her recovery monitoring agreement with ISNAP.

4 15. The underlying conduct supporting the Indiana Board's disciplinary action is that in
5 or about April 2008, Respondent submitted an application for licensure as a registered nurse to
6 the Indiana Board. In her application, Respondent informed the Indiana Board that she had been
7 treated for alcohol addiction in the past. The Indiana Board concluded that Respondent had
8 demonstrated that she could practice nursing in Indiana with a probationary license.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
11 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 342131, issued to Staci
13 Lin Torres, also known as Staci Lin Avery;

14 2. Ordering Staci Lin Torres, also known as Staci Lin Avery to pay the Board of
15 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
18
19

20 DATED: October 24, 2011 *Louise R. Bailey*
21 LOUISE R. BAILEY, M.ED., RN
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
State of California
Complainant

25 SF2011202468
26 90216752.doc
27
28